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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,533	03/14/2001	Steve Pellegrin	07844-445001 / P409	3807

21876 7590 12/23/2003

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EXAMINER

FILIPCZYK, MARCIN R

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 12/23/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,533

Applicant(s)

PELLEGRIN ET AL.

Examiner

Marc R Filipczyk

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Response to Amendment***

This action is responsive to Applicant's response filed on August 7, 2003 (paper # 10) in which claims 1-18 remain for examination and newly added claims 19 and 20 are presented herein.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 8, "current format indicator" is indefinite. What version or object is being identified? The term "schema" is indefinite. Is it a substitute for a first representation of a persistent object? Lines 9-13 are indefinite and inconsistent. The representations and schemas are inconsistent together, and the references used are indefinite. Line 14, recreating the persistent object with "the second representation" is indefinite.

Regarding claims 5, 6, 15 and 16, how do the conversion engines convert formats without the use of schema?

Regarding claims 7, 11, 17 and 18 contain same subject matter as claim one and therefore are rejected on the same ground.

Regarding claim 10, the phrase "hybrid" is indefinite. What is a single hybrid conversion?

Art Unit: 2171

Regarding claims 2-6, 8-10 and 12-16 are dependent from claims 1, 7 and 11 respectively and therefore contain the deficiencies of those claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, 11-14 and 17-20 are rejected as best as the Examiner is able to ascertain under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Guck (U.S. Patent No. 5,911,776).

Regarding claims 1-4, 7-9, 11-14, and 17-20, AAPA discloses a computer program: (page 1, line 16; *conversion procedures*, AAPA)

identify persistent objects and a format indicator (page 1, line 16, AAPA);

(Note: format number is a format indicator)

identify a current format indicator (page 1, lines 18 and 19, AAPA);

(Note: while opening and comparing formats the identifying of a current format takes place)

converter (engine) to recreate the persistent object (page 1, lines 22 and 23)

(Note: any modifications to the persistent object reformat therefore recreate the object).

Hence as mentioned above, AAPA teaches comparing versions (format numbers) of the plug-in or programs and generating a persistent object (data) by executing the conversion

Art Unit: 2171

procedure to modify the old object (page 1, lines 16-24, AAPA) but does not expressly teach that the conversion engine uses schemas of the objects.

However, Guck discloses an automatic format conversion system for multi user network (title, Guck) where schemas in relation with objects are used on the server in reference to client software (figure 1, items 10, 30, 50 and 54-56). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the AAPA system in view of Guck by utilizing the schemas of an object to convert data into the same data format type (fig. 4, block k, Guck). One of ordinary skill in the art would have been motivated to utilize the schemas of an object so that the different applications used by the server and clients would use compatible formats converted on the server platform.

#### ***Response to Arguments***

Applicant's arguments filed on August 7, 2003 have been fully considered but they are not persuasive. The arguments and responses are listed below.

Applicant argues in the 8/7/03 response on pages 7 and 8 that the terminology used in the claims is not indefinite.

In response to Applicant's argument, Examiner disagrees. Even though the terminology alone is not indefinite such as the phrase "schema", Examiner maintains his rejections because the representations and schemas claimed together are indefinite. While Applicant's explanation of the claims in view of the specification is appreciated by the Examiner, that does not render the withdrawal of the rejections since claims remain indefinite.

Applicant argues in the 8/7/03 response on page 9 that, "In Guck, by contrast, there is no teaching or suggestion that the conversion engine may convert to multiple target formats or accept as inputs multiple schemas or format indicators".

In response to Applicant's argument, Examiner disagrees. Applicant claims a conversion engine that takes two schemas as inputs but that is not equivalent to converting data into multiple target formats, as argued by the Applicant but not claimed. Guck system teaches a multiple schema input (fig. 4, items H, I, J) wherein the data is passed on to the converter (fig. 4, item K) and is converted accordingly (fig. 4, M). Examiner notes that the engine converter of Guck is capable of converting multi format data (see fig. 1, items 80, 70, etc.).

With respect to all the pending claims 1-20, Examiner respectfully traverses Applicant's assertion based on the discussion cited above, as such, Examiner maintains the same rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2171

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is 703-305-7156.

The examiner can normally be reached on Mon-Fri, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MF  
December 19, 2003



SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100